

FILED

11 JUN 17 AM 11:53
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

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15 Attorneys for Defendant
16 EMCOR GOVERNMENT SERVICES, INC.

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 RENATO CUENCA, an individual,
20 Plaintiff,

21 v.

22 EMCOR GOVERNMENT
23 SERVICES, a business form unknown;
24 and DOES 1 through 100, inclusive,
25 Defendants.

Case No.

CV11-05102 (CAS)(JEM)(X)

**NOTICE OF REMOVAL OF STATE
COURT ACTION UNDER 28 U.S.C.
§§ 1331, 1441(b) AND 1446 BY
DEFENDANT**

[Los Angeles Superior Court Case No.
BC461767]

[Removed concurrently with related
LASC Case No. BC461766, Jorgenson
v. Emcor, et al.]

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO
2 PLAINTIFF RENATO CUENCA AND HIS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that defendant Emcor Government Services, Inc.
4 ("Defendant") hereby invokes this Court's jurisdiction and removes the state court
5 action described below from the Superior Court of the State of California for the
6 County of Los Angeles to the United States District Court for the Central District of
7 California.

8 1. This Notice of Removal is filed pursuant to, and this Court has
9 jurisdiction by virtue of, the provisions of 28 U.S.C. §§ 1332, 1441(b) and 1446.

10 2. On May 17, 2011, plaintiff Cuenca ("Plaintiff") commenced an action
11 in the Superior Court of the State of California for the County of Los Angeles
12 entitled *Cuenca v. Emcor Government Services, and Does 1 through 100*, Los
13 Angeles Superior Court Case No. BC461767 (the "State Court Action").

14 3. Defendant was served in the State Court Action on May 20, 2011,
15 including with a copy of the Summons, Complaint for Damages and related
16 documents (the "Complaint"). A true and correct copy of Plaintiff's Complaint is
17 attached as Exhibit A to this Notice.

18 4. This is a civil action over which this Court has diversity jurisdiction
19 pursuant to 28 U.S.C. § 1332 because (1) the matter in controversy exceeds the sum
20 or value of \$75,000, exclusive of interest and costs, and (2) Plaintiff is a citizen of
21 California and Defendant is not a citizen of California, but rather, is incorporated in
22 the State of Maryland and has its headquarters and principal place of business in the
23 State of Virginia. This action is one which may be removed to this Court pursuant
24 to the provisions of 28 U.S.C. § 1441(b) because Defendant is not a citizen of
25 California.

26 5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)
27 in that it is filed within thirty (30) days of service of the Complaint by Defendant.

28 6. The territorial coverage of the United States District Court for the

1 Central District of California embraces the county and court in which the State
2 Court Action is now pending. 28 U.S.C. § 84(c). Therefore, this action is properly
3 removed to this Court pursuant to 28 U.S.C. § 1441(a).

4 7. This removal is authorized by Defendant, the only named defendant in
5 this action. Defendant is informed and believes, and on that basis alleges, that none
6 of the Doe defendants in this action have been named or served. Therefore, it is not
7 necessary to obtain any other defendant's consent to, or joinder in, this removal.

8 8. As required by 28 U.S.C. § 1446(d), Defendant will provide written
9 notice of the filing of this Notice of Removal to all other parties to this action and
10 will promptly file a copy of this Notice of Removal with the Clerk of the Superior
11 Court of the State of California for the County of Los Angeles.

12 WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446, Defendant
13 hereby removes this case from the Superior Court of the State of California for the
14 County of Los Angeles to the United States District Court for the Central District of
15 California.

16
17 Dated: June 17, 2011

Respectfully submitted,

18 DRINKER BIDDLE & REATH LLP

19
20 By: 

21 Kate S. Gold

22 Attorneys for Defendant
23 EMCOR GOVERNMENT SERVICES,
24 INC.
25
26
27
28

PROOF OF SERVICE

I, Mary T. Avila, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1800 Century Park East, Suite 1400, Los Angeles, California 90067-1517. On June 17, 2011, I served a copy of the within document(s):

**NOTICE OF REMOVAL OF STATE COURT ACTION UNDER
28 U.S.C. §§ 1332, 1441(b) AND 1446 BY DEFENDANT**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Victor L. George
Wayne C. Smith
LAW OFFICES OF VICTOR L. GEORGE
20355 Hawthorne Blvd., 1st Floor
Torrance, CA 90503
Phone: (310) 698-0990
Fax: (310) 698-0995
Email: vgeorge@vgeorgelaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the

1 U.S. Postal Service on that same day with postage thereon fully prepaid in the
2 ordinary course of business. I am aware that on motion of the party served, service
3 is presumed invalid if postal cancellation date or postage meter date is more than
4 one day after date of deposit for mailing in affidavit.

5 I declare that I am employed in the office of a member of the bar of this court
6 at whose direction the service was made.

7 Executed on June 17, 2011, at Los Angeles, California.

8 

9
10 Mary T. Avila

EXHIBIT A

D23 Zaven V. Ananias

Victor L. George, State Bar No. 110504
Wayne C. Smith, State Bar No. 122535
LAW OFFICES OF VICTOR L. GEORGE
20355 Hawthorne Blvd., 1st Floor
Torrance, CA 90503
Telephone: (310) 698-0990
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E-mail: vgeorge@vgeorgelaw.com

Attorneys for Plaintiff
RENATO CUENCA, an individual

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 17 2011

John A. Clarke, Executive Officer/Clerk
BY Shaurya Wesley Deputy

6037
9/12/9

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

RENATO CUENCA, an individual,
Plaintiff,

v.

EMCOR GOVERNMENT SERVICES, a
business form unknown; and DOES 1
through 100, inclusive,
Defendants.

CASE NO. BC 461767

COMPLAINT FOR DAMAGES

1. STATUTORY DISCRIMINATION
IN VIOLATION OF FEHA (AGE);
2. VIOLATION OF PUBLIC POLICY

DEMAND FOR JURY TRIAL

PRELIMINARY FACTUAL INFORMATION

1. Plaintiff RENATO CUENCA, hereinafter referred to as "Plaintiff" is and at all times mentioned herein, was an individual and a resident of the State of California. Hereinafter, Plaintiff RENATO CUENCA, may be referred to as "Plaintiff."

2. Plaintiff is informed and believes and thereupon alleges that Defendant EMCOR GOVERNMENT SERVICES, a business form unknown (hereinafter "EMCOR") is located at 4800 Oak Grove Drive, Pasadena, CA 91109 in the County of Los Angeles State of California and was so during all pertinent times referred to herein.

///

EXHIBIT A

05/17/11

CIT/CASE: BC461767 LEA/NEP;
RECEIPT #: CM46580066
DATE FILED: 05/17/11 02:21:30 PM
RECEIVED: 05/17/11 02:21:30 PM
CASE: 11-00000000-0
CLERK: 395
CHARGE: 395
CASE: 11-00000000-0
CLERK: 395
CHARGE: 395

1 3. It is understood and believed that the Defendant, EMCOR, does business in
2 every part of Los Angeles County, California.

3 4. Defendants, DOES 1 through 100, inclusive, are sued herein under fictitious
4 names, their true names and capacities, whether individual, corporate, associate, or
5 otherwise, being presently unknown to Plaintiff. Plaintiff will seek relief from this court to
6 amend this complaint to designate the true names and capacities of Defendants DOES 1
7 through 100, inclusive, when same have been ascertained. The Defendants designated as
8 DOES 1 through 100, inclusive, and each of them, are or were otherwise responsible for all
9 of the acts hereinafter alleged.

10 5. Plaintiff is informed and believes and thereupon alleges that both named
11 Defendants, and each of them, are now and, at all times herein mentioned were alter egos,
12 partners, co-owners, associates, joint venturers, principals and agents and/or employers-
13 employees of each other and acted within the scope of such alter ego, partnership,
14 association, joint venture, agency, and/or employment in performing the acts and omissions
15 alleged in this complaint.

16 6. At all times herein, Defendants, and each of them were the principals and
17 agents, and employers and employees of each other, and were acting within the scope of their
18 agency and employment and by and through their officers, managers, supervisors, agents and
19 employees, and with each Defendants' authorization, permission, consent and ratification.

20 7. At all times, the actions by Defendants, and each of them, were done under
21 the authorization, consent, instruction and approval, express or implied, of each of the other
22 and were duly ratified by defendants, and each of them, and imputed to each of them.

23 8. Plaintiff, RENATO CUENCA, age 63, was born on November 8, 1947, and
24 was hired on September 1991 as an HVAC repairman. He had worked for EMCOR for 19
25 years. Plaintiff was inexplicably and suddenly fired on July 7, 2010. The last position
26 Plaintiff held with EMCOR was as a stationary engineer.

27 9. While Plaintiff was employed by Defendants Plaintiff suffered discrimination,
28 violations of his individual rights and violation of his rights guaranteed by public policy,

1 based on his age.

2 10. Defendants, and each of them, including all persons working for Defendants,
3 were in a position superior to Plaintiff and were aware of the discrimination to Plaintiff,
4 allowed it to exist, did not investigate the situation the way they should have, did not report
5 back to Plaintiff regarding any results of any investigation and did not remedy the situation
6 and surely did nothing to prevent it. EMCOR failed to provide any warning, do any
7 progressive discipline, etc., simply firing Plaintiff.

8 11. Defendants, and each of them, and the officers, directors and managing agents
9 of Defendants were aware of and had notice of the discriminatory conduct suffered by
10 Plaintiff in his work environment, and had the right, duty and power to prevent it, yet nothing
11 was effectively done to stop it. Defendants failed to provide Plaintiff progressive discipline
12 required before termination, violating their own policies.

13 12. Having to work for and under Defendants, and each of them, and with
14 Defendant bosses, supervisors, officers, directors, owners and managers failing to remedy
15 the situation, has caused and continues to cause Plaintiff great injuries, losses and damages.

16 13. Plaintiff pursued his administrative remedies by filing claims with the
17 California Department of Fair Employment and Housing (DFEH) for statutory violations
18 including those for discrimination and retaliation and was granted a "right to sue" prior to
19 the filing of this complaint.

20 14. Defendants herein interfered and attempted to interfere by intimidation and
21 coercion with the exercise and enjoyment by Plaintiff of rights secured by the Constitution
22 and laws of California, and as a result, Plaintiff was caused to suffer past, present and future
23 injuries, damages and losses.

24 15. The unwelcome discrimination allowed to be made by Plaintiff's supervisors
25 and management created an intimidating, hostile and offensive environment and situation for
26 Plaintiff, all to his past, present and future damages, injuries and losses.

27 16. The discrimination and retaliation that caused Defendant to simply dispose
28 of Plaintiff after an excellent 19 years, caused Plaintiff great concern, disgrace and severe

1 emotional distress and offensively and substantially intruded into and violated Plaintiff's
2 privacy, causing him great and continuing damage and loss.

3 17. At the time of his termination, Plaintiff was receiving the following
4 compensation and benefits:

- 5 a. \$27.00 per hour;
- 6 b. Full medical, dental and vision coverage;
- 7 c. 5 paid sick days per year;
- 8 d. 4 weeks paid vacation per year;
- 9 e. Disability insurance, both short and long term;
- 10 f. 401K retirement plan; and
- 11 g. Annual bonuses;

12 18. Because of Plaintiff's great fear, emotional distress, anxieties, physical
13 symptoms, feelings of powerlessness and helplessness stemming from the discriminatory,
14 hostile, unwelcome and tortuous conduct and conditions at work, Plaintiff has, is and will
15 be caused to suffer past, present and future damages and losses.

16 19. The conduct of Defendants and the conditions allowed to exist at work were
17 violative of public policy and laws of the State of California including, but not limited to: the
18 Constitution of the State of California, including Article I section 8; California Government
19 Code Sections 12900, et seq., including, but not limited to sections 12920, 12921, 12940,
20 12950, etc.

21 20. As a result of the conduct of Defendants and the conditions allowed to exist
22 at Plaintiffs' place of work, Plaintiff is, was and will continue to be caused to suffer damages,
23 in an amount to be determined according to proof at trial, and which includes but is not
24 limited to, past, present and future injuries, damages, severe emotional distress and losses,
25 costs and attorney fees.

26 21. Plaintiff pursued his administrative remedies by filing claims with the
27 California Department of Fair Employment and Housing against all Defendants herein,
28 within one year of the continuing discrimination and the California Department of Fair

1 Employment and Housing closed their files and granted the right to sue prior to the filing of
2 this lawsuit.

3 **FIRST CAUSE OF ACTION**

4 (Statutory Discrimination Against All Defendants and Does 1 through 100)

5 22. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through
6 21 and incorporates the same by reference as though fully set forth herein.

7 23. At all times set forth herein, Defendant's actions were violative of public
8 policy and laws of the State of California including, but not limited to: the Constitution of
9 the State of California, including Article I section 8; California Government Code Sections
10 1290, et seq., including, but not limited to sections 12920, 12921, 12940, 12950, etc.

11 24. As a result of the statutory violations, Plaintiff suffered damages, in an
12 amount to be determined according to proof at trial, but in excess of the jurisdictional
13 minimum of this Court and includes past, present and future damages, injuries, losses, costs
14 and attorney fees.

15 25. Plaintiff was employed by EMCOR beginning in or about 1990 for 20
16 consecutive years until July 7, 2010 when Defendants terminated Plaintiff's employment with
17 Defendant. At the time of his discharge, Plaintiff was employed by Defendant as an
18 electrician.

19 26. Defendant EMCOR is an employer within the meaning of California
20 Government Code § 12926(d), and § 12940(h)(3), employing over 50 persons.

21 27. Plaintiff was qualified for the position, having at all times performed the
22 duties of the position with a high degree of competency.

23 28. Despite his qualifications, Plaintiff was subjected to discrimination, and was
24 discharged by Defendant EMCOR due to the continual and repeated discrimination at
25 Plaintiffs' work environment with Defendant EMCOR.

26 29. The Plaintiff was subjected to discrimination as well as being denied rights
27 and customary privileges of employment which other employees enjoyed.

28 ///

1 Plaintiff's age (63 years) cannot be a motivating fact for Plaintiff's termination.

2 36. As a direct result of the aforesaid acts of Defendants, Plaintiff lost, and will
3 continue to lose, income and benefits, in an amount to be proven at trial. Plaintiff has become
4 distressed, aggravated and embarrassed. This wrongful termination is a substantial factor in
5 causing damage and injury to Plaintiff as set forth in paragraph twenty (20) above.

6 37. As a direct result of the aforesaid acts of Defendants, Plaintiff has become
7 mentally upset, distressed and aggravated and has suffered, and will continue to suffer,
8 humiliation, embarrassment, loss of self-confidence/pride and mental and/or emotional
9 distress. Thereby, Plaintiff claims general damages for mental distress and aggravation in
10 a sum according to proof at the time of trial.

11 38. Because the acts taken toward Plaintiff were carried out by managerial
12 employees of Defendant acting in a deliberate, cold, callous and intentional manner in order
13 to injure and damage Plaintiff, Plaintiff requests the assessment of punitive damages against
14 Defendants in an amount according to proof at the time of trial.

15

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff RENATO CUENCA requests relief against Defendants, and
18 each of them, as follows:

19 **AS TO THE FIRST CAUSE OF ACTION:**

20 1. That Plaintiff be awarded general and compensatory damages, including
21 prejudgment interest, in an amount according to proof at trial;

22 2. That Plaintiff be awarded costs of suit and interest incurred as provided by
23 law;

24 3. That Plaintiff be awarded punitive damages;

25 4. That Plaintiff be awarded statutory attorneys' fees; and

26 5. That this Court award such other and further relief as the Court deems just
27 and proper.

28 ///

AS TO THE SECOND CAUSE OF ACTION

1. That Plaintiff be awarded general and compensatory damages, including
prejudgment interest, in an amount according to proof at trial;
2. That Plaintiff be awarded costs of suit and interest incurred as provided by
law;
3. That Plaintiff be awarded punitive damages;
4. That this Court award such other and further relief as the Court deems just
and proper.

Dated: May 13, 2011

LAW OFFICES OF VICTOR L. GEORGE

By: 

WAYNE C. SMITH
VICTOR L. GEORGE
Attorneys for Plaintiff
RENATO CUENCA

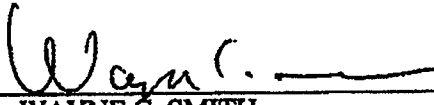
05/17/11

DEMAND FOR JURY TRIAL

Plaintiff, RENATO CUENCA, hereby demand trial by jury in this action now before
the Court.

Dated: May 13, 2011

LAW OFFICES OF VICTOR L. GEORGE

By: 
WAYNE C. SMITH
VICTOR L. GEORGE
Attorneys for Plaintiff,
RENATO CUENCA

11/21/50

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Wayne C. Smith, SBN 122535 Law Offices of Victor L. George 20355 Hawthorne Blvd., 1st Floor Torrance, CA 90503 TELEPHONE NO.: 310-698-0990 FAX NO.: 310-698-0995 ATTORNEY FOR (Name): Plaintiff RENATO CUENCA		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES MAY 17 2011 John A. Clarke, Executive Officer/Clerk BY <u>Shannya Wesley</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		CASE NUMBER: BC461767 JUDGE: DEPT:
CASE NAME: RENATO CUENCA v. EMCOR GOVERNMENT SERVICES		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): TWO (2)
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: May 13, 2011
- Wayne C. Smith, SBN 122535

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 at seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PUPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SHORT TITLE: CUENCA v. EMCOR GOVERNMENT SERVICES

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 3. 1., 4.	

SHORT TITLE: CUENCA v. EMCOR GOVERNMENT SERVICES		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07) <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08) <input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13) <input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16) <input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25) <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35) <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36) <input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15) <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not Insurance) <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09) <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18) <input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37) <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14) <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33) <input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26) <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31) <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Residential (32) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Post-Foreclosure (34) <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38) <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

LACIV 109 (Rev. 03/11)
LASC Approved 03-04

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

Local Rule 2.0
Page 2 of 4

SHORT TITLE: CUENCA v. EMCOR GOVERNMENT SERVICES

CASE NUMBER

TT/TL/EB

A Civil Case Cover Sheet Category No.		B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6106 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

SHORT TITLE: CUENCA v. EMCOR GOVERNMENT SERVICES

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

ADDRESS: 4800 Oak Grove Drive

CITY:

Pasadena

STATE:

CA

ZIP CODE:

91109

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

LAW OFFICES OF VICTOR L. GEORGE

Dated: May 13, 2011


(SIGNATURE OF ATTORNEY/FILING PARTY)

WAYNE C. SMITH

ATTORNEYS FOR PLAINTIFF

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

05/13/11

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV11- 5102 CAS (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
RENATO CUENCA, an individual

DEFENDANTS
EMCOR GOVERNMENT SERVICES, INC., a business form
unknown, and DOES 1 through 100, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Vctor L. George (Bar No. 110504)
LAW OFFICES OF VICTOR L. GEORGE
20355 Hawthorne Blvd., 1st Floor
Torrance, CA 90503
Phone: (310) 698-0990; Fax: (310) 698-0995

Attorneys (If Known)

Kate S. Gold (Bar No. 156117)
DRINKER BIDDLE & REATH LLP
1800 Century Park East, Ste. 1400
Los Angeles, CA 90067
Phone: (310) 203-4000; Fax: (310) 229-1285

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT: \$**

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
28 U.S.C. 1332 and 1441

VII. NATURE OF SUIT (Place an X in one box only.)

- | | | | | | |
|--|--|---|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus | <input type="checkbox"/> 710 Fair Labor Standards Act |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 530 General | <input type="checkbox"/> 720 Labor/Mgmt. Relations |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act |
| <input type="checkbox"/> 450 Commerce/ICC Rates/etc. | <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Ped. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 740 Railway Labor Act |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 22 Appeal 28 USC 158 | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation |
| <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input checked="" type="checkbox"/> 442 Employment | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 810 Selective Service | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 61 HIA(1395ff) |
| <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 445 American with Disabilities - Employment | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities - Other | <input type="checkbox"/> 650 Airline Regs | <input type="checkbox"/> 863 DIWC/DIWW 405(g) |
| <input type="checkbox"/> 891 Agricultural Act | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 892 Economic Stabilization Act | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee | | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 865 RSI (405(g)) |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 465 Other Immigration | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 894 Energy Allocation Act | <input type="checkbox"/> 240 Torts to Land | | | | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 245 Tort Product Liability | | | | |
| <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 290 All Other Real Property | | | | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | | | | |

FOR OFFICE USE ONLY: Case Number: **CV 11-05102**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): James Scott Jorgenson v. Emcor, et al., LASC Case No. BC461766 (concurrently removed)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of Virginia

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): Kate S. Gold Date June 17, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))